

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

Dr. D.M. Indika Bandara,

Plaintiff,

v.

Dan Mann, *Richland-Lexington Airport District Commission Members, AAE Director*; James A. Compton, *Richland-Lexington Airport Commission Members (Chairman)*; Carol Fowler, *Richland-Lexington Airport District Commission Members*; F. Xavier Starkes, Esq., *Richland-Lexington Airport District Commission Members*; William Dukes, *Richland-Lexington Airport District Commission Members also known as Bill*, Jerrod F. Howard, *Richland-Lexington Airport District Commission Members*; Richard McIntyre, *Richland-Lexington Airport District Commission Members*; Dan P. Bell, *Richland-Lexington Airport District Commission Members*; Hazel L. Bennett, *Richland-Lexington Airport District Commission Members*; D.J. Carson, *Richland-Lexington Airport District Commission Members*; David N. Jordan, *Richland-Lexington Airport District Commission Members*; James L. Whitmire, *Richland-Lexington Airport District Commission Members*; Duane Cooper, *Richland-Lexington Airport District Commission Members*; Lynne Douglas, *Richland-Lexington Airport District Commission Members*,

Defendants.

Civil Action No. 3:16-3212-TLW

ORDER

Plaintiff Dr. D.M. Indika Bandara, proceeding *pro se*, filed this action pursuant to 42 U.S.C. § 1983 on September 23, 2016. ECF No. 1. On November 29, 2017, Defendants filed a

motion for summary judgment. ECF No. 94. Plaintiff filed a response in opposition to the motion and a cross-motion for summary judgment, ECF No. 108, to which Defendants responded, ECF No. 113.

This matter now comes before the Court for review of the Report and Recommendation (“Report”) filed by United States Magistrate Judge Paige J. Gossett, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.). ECF No. 116. In the Report, the Magistrate Judge recommends that Defendants’ motion for summary judgment, ECF No. 94, be granted, and Plaintiff’s motion for summary judgment, ECF No. 108, be denied. ECF No. 116. On April 4, 2018, Plaintiff filed objections to the Report. ECF No. 122. Defendants filed a reply on April 18, 2018. ECF No. 123. This matter is now ripe for disposition.

In reviewing the Report, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections.... The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified finding or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusion of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court’s review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge’s findings or recommendations.

Wallace v. Hous. Auth. of City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of this standard, the Court closely reviewed *de novo* the Report, Plaintiff’s objections to the Report, the other related filings, the relevant law, and the record in this case. The Report notes that Plaintiff offered no authority suggesting that being an independent taxi driver is

a protected class under the Fourteenth Amendment. The Report also notes that Plaintiff did not show any evidence from which a reasonable jury could conclude that Defendants acted with or were motivated by discriminatory intent toward immigrants or that the regulations Plaintiff challenges were based on her national origin. The Court notes that Plaintiff's objections do not change the conclusion reached by the Magistrate Judge that Defendants' motion for summary judgment should be granted.

Accordingly, it is hereby **ORDERED** that Plaintiff's objections, ECF No. 122, are **OVERRULED**, and the Report, ECF No. 116, is **ACCEPTED**. For the reasons articulated by the Magistrate Judge, Defendants' motion for summary judgment, ECF No. 94, is **GRANTED** and Plaintiff's motion for summary judgment, ECF No. 108, is **DENIED**.

IT IS SO ORDERED.

s/Terry L. Wooten
Terry L. Wooten
Chief United States District Judge

June 5, 2018
Columbia, South Carolina